

2001 DRAFTING REQUEST

Bill

Received: **09/26/2000**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Rick Horstman**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters: **traderc**

Subject: **Beverages - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Measuring intoxicating liquor

Instructions:

Require liquor bottles to be fitted with device that measures alcohol. Require information to consumers on volume of alcohol served.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 10/03/2000	gilfokm 10/04/2000		_____			S&L
/P1			pgreensl 10/05/2000	_____	lrb_docadmin 10/05/2000		S&L
/1	traderc 11/28/2000	gilfokm 11/28/2000	rschluet 11/29/2000	_____	lrb_docadmin 11/29/2000	lrb_docadmin 01/10/2001	

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For Senate
per ARG

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1/?	nilsepe	10/10/4 kmj	10/4 PG	10/5 PG1 JK			

FE Sent For:

<END>

goal = device on bottle between consumer & food

accuracy of device is critical

size of portion not important

check the drink size - disclosure of 97%

D&R disclosures - standards

I.

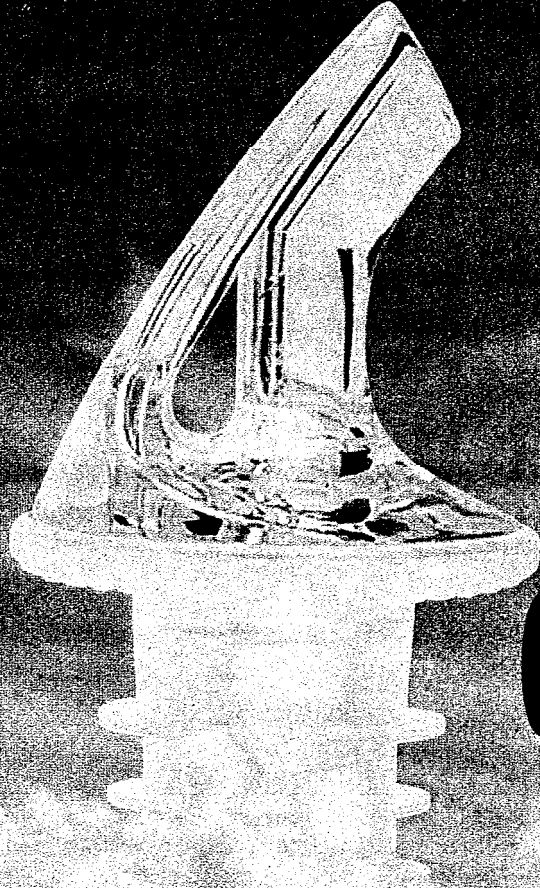
Utah -

#. Add language requiring purchaser to use device according to mfg's. directions.

#. ~~Require~~ Portion size for all drinks.

If portions differ from posted - serve

must advise purchaser



We've emerged as the clear leader!

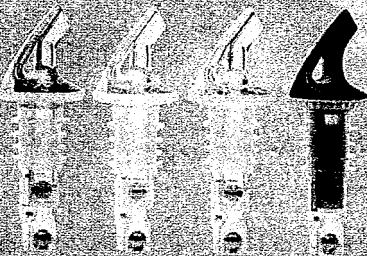
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BOOTH #91

Notes from Walt (continued)

firms that do nothing but payroll. This includes preparation of payroll checks, filing of state and federal payroll tax reports etc. Suggest that you check it out.

Borrowing Money? If you plan to borrow money from a bank for business purposes, you must be prepared to satisfactorily respond to these three concerns of bankers:

1. Your management skills
2. Your (the business's) ability to repay the loan.
3. The liquidation value of assets in the event of default on the loan.

Creditable financial statements are important tools to help address these concerns. Since most of the data is required to properly and accurately prepare income tax returns, it is wise to keep data current and use it to improve your business profits.

There are few things worse in business than a big surprise at tax time or the need for a loan and the inability to get it.

If you need accounting help, get it. You will probably discover that it costs less than you feared.

Estate Tax—The House of Representatives has voted to eliminate estate taxes. The estate tax is often referred to as the "death tax" because that's when it is assessed.

The tax was enacted in 1916.

Currently, rates are as high as 55%, depending on the size of the estate. This tax is in addition to the income tax, which could be as high as 39.6% on previously untaxed retirement funds. An economics professor at Harvard recently stated that the total taxes on a \$3 million estate could be 84%. Thus, the government would get \$2,520,000 and heirs would get \$480,000.

However, don't get "lulled to sleep" by what "may" happen. A presidential veto has already been threatened and the Senate has not passed the proposal. Therefore, it is wise to have your estate planning in order.

Seeking SBA Loan? The Small Business Administration listed the following Wisconsin banks at the top of their list of friendly, small-business lenders.

- F & M Bank, Winnebago County, phone 920/766-1717
- F & M Bank, Waushara County, phone 920/787-3351

Of course, there are many excellent banks. Shop until you find the one that best satisfies your needs.

Telephone Scams—Perceived toll-free numbers may not actually be toll free. Companies that provide audio entertainment or information services may charge for calls to 800, 888 and other "toll-free" numbers if they

comply with certain Federal Trade Commission (FTC) rules. The rules require the provider to request a credit card or make billing arrangements before providing the service.

Some companies break the law by:

- Asking you to "Press 1" which converts the call from "free" to "billable".
- Advertising "Free", but charging you for the call.
- Switching you to a different type service such as an international number.
- Charging "a monthly club fee".

Remember—Not all numbers beginning with "8" are toll-free. Check your telephone bill carefully. Make sure charges are legitimate. If you discover improper charges and want to file a complaint, contact the State Attorney General's Office, or call the FTC Consumer Response Center: Toll-Free 1-877-FTC-HELP (382-4357).

Walter D. Smith, Certified Public Accountant, is the TLW Accountant and has his accounting firm in Baraboo. His professional experience includes services to hundreds of clients in all types of business, industry and non-profit organizations. Walt is also a professional speaker and does seminars all over the country. NOTE: The information in this article is general in nature and should not be acted upon without further details and/or professional assistance.

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Responsible Pouring Legislation Proposal

A. Licensee must retrofit all bottles that will be used for the purpose of making a drink for a customer or patron with a pouring device, be it simple or sophisticated that will pour an amount accurate not exceed 1/16th or 2 milliliters of an assigned calibrated portion, for the purpose of pouring a consistent amount that will allow the customer to monitor his or hers alcohol intake.

B. The pouring device must be that of a specific design so as to pour a calibrated preset portion (that of the licensees choice) accurate to 1/16th or 2 milliliters consistently.

C. The pouring device on each bottle is designed to be calibrated to a specific portion in a recipe (that of the licensees choice) that portion is the only portion that can be poured from that device, so as to eliminate and make unlawful at anytime that a person pouring a portion for a customer can influence the end of the pour. Example: There are 2 bottles fitted with pourers-one calibrated to 1 oz and one pourer to 2 oz and I need a 1-1/2 oz portion for a recipe. I as a bartender can not legally pour that portion because I would have to influence the end of the pour or guess at when to stop the pour.

D. The pouring device must be of the design that the person pouring can initiate the start of a pour but never influence the end of the pour.

E. Licensee must display in a prominent place on the licensed premise the portions used in preparing all cocktails, cocktails with multiple ingredients must give a total ounce figure. All drink menus must have the disclaimer of time and weight calculations as put forth on current wheel instruction charts.

F. When serving pitchers or containers larger than would normally be served to one person the total ounces of alcohol in ounces must be declared.

G. Types of pouring devices or systems: Dispensing or pouring systems may be of various types- simple or sophisticated so as to pour consistently within 1/16th or 2-milliliters of an ounce and meet all local and state sanitation code and requirements.

H. Liquor is defined as any % of volume that exceeds 10%.

I. Before any current liquor license can be renewed an application and declaration of responsible pouring must be registered at the county level. Sample form:

file with issuing
authority ✓

Responsible Pouring Application Form Declaration of all portions Poured on Premise

.25 .50 .75 1.0 1.25 1.50 1.75 2.0 2.25 2.50 2.75 3.0 Other _____

Please circle all portions that will be poured on premise.

Let your customers know what's in it!!!!!!

J. Penalty for non-compliance- Non-Compliance being "free pouring" a person when preparing a drink for another person on a licensed premise influences the end of a pour is considered "free pouring" and is considered in non-compliance with said "Responsible Pouring Legislation.

First Offense: \$1000.00 fine and or 1 - Day suspension of liquor license.

Second Offense: 2-Day suspension of liquor licence.

Third Offense: 1- Month suspension

Fourth Offense: 1 Year suspension
Fifth Offense: Revocation of License

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
Department Rule

R81-1-9. Liquor Dispensing Systems.

A licensee may not install or use any system for the automated mixing or dispensing of liquor unless the dispensing system has been approved by the department.

(1) Minimum requirements. The department will only approve a dispensing system which:

- (a) dispenses liquor in calibrated one ounce quantities; and
- (b) has a meter which counts the number of pours served.

The margin of error of the system cannot exceed 1/16 of an ounce or two milliliter variation in pour size.

(2) Types of systems. Dispensing systems may be of various types including: gun, stationary head, tower, insertable spout, ring activator or similar method.

(3) Method of approval.

(a) Suppliers. Companies which manufacture, distribute, sell, or supply dispensing systems must first have their product approved by the department prior to use by any liquor licensee in the state. They shall complete the "Supplier Application for Dispensing System Approval" form provided by the department, which includes: the name, model number, manufacturer and supplier of the product; the type and method of dispensing, calibrating, and metering; the degree or tolerance of error, and a verification of compliance with federal and state laws, rules, and regulations.

(b) Licensees. Before any dispensing system is put into use by a licensee, the licensee shall complete the "Licensee Application for Dispensing System Approval" form provided by the department. The department shall maintain a list of approved products and shall only authorize installation of a product previously approved by the department as provided in subsection (a). The licensee is thereafter responsible for verifying that the system, when initially installed, meets the specifications which have been supplied to the department by the manufacturer. Once the product is installed, the burden is on the licensee to maintain it to ensure that it continues to meet the manufacturer's specifications. Failure to maintain it may be grounds for suspension or revocation of the licensee's liquor license.

(c) Removal from approved list. In the event the system does not meet the specifications as represented by the manufacturer, the licensee shall immediately notify the department. The department shall investigate the situation to determine whether the product should be deleted from the approved list.

(4) Operational restrictions.

(a) The system must be calibrated to pour a one ounce quantity of liquor. The calibration may not be changed or adjusted to pour any alternate quantity.

(b) Voluntary consent is given that representatives of the department, Utah Division of Investigations, or any law enforcement officer shall have access to any system for inspection or testing purposes. A licensee shall furnish to the representatives, upon

request, samples of the alcoholic products dispensed through any system for verification and analysis.

(c) Liquor bottles in use with a dispensing system at the dispensing location must be affixed to the dispensing system by the licensee. Liquor bottles in use with a remote liquor dispensing system must be in a locked storage area. Any other primary liquor not in service must remain unopened. There shall be no opened primary liquor bottles at a dispensing location that are not affixed to an approved dispensing device. This rule does not prohibit the presence of opened containers of wine for use as provided by law.

(d) The dispensing system and liquor bottles attached to the system must be locked or secured in such a place and manner as to preclude the dispensing of liquor at times when liquor sales are not authorized by law.

(e) All dispensing systems and devices must conform to the federal Bureau of Alcohol Tobacco and Firearms (BATF) ruling 77-32 which states in part that bar dispensing systems for use by retail liquor dealers "(1) must avoid an in-series hookup which would permit the contents of liquor bottles to flow from bottle to bottle before reaching the dispensing spigot or nozzle, (2) must not dispense from or utilize containers other than original liquor bottles filled, stamped, and labeled in conformity with ATF regulations, (3) must prohibit the intermixing of different kinds of products or brands in the liquor bottles from which they are being dispensed...." BATF ruling 77-32 (1977) is incorporated by reference.

(f) Pursuant to federal law, all liquor dispensed through a dispensing system shall be from its original container, and there shall be no re-use or refilling of liquor bottles with any substance whatsoever. The commission adopts federal regulations 27 CFR 194 and 26 USCA Section 5301 and incorporates them by reference.

(g) Each licensee shall keep daily records for each dispensing outlet as follows:

- (i) brands and container sizes of liquor dispensed through the dispensing system;
- (ii) number of one ounce portions dispensed through the dispensing system by brand or sales price level;
- (iii) number of one ounce portions sold by brand or sales price level; and
- (iv) beginning and ending meter readings by brand or sales price level to correlate with cost and sales totals by brand or sales price level. These records must be made available for inspection and audit by the department or law enforcement.

(h) Each licensee shall file with the department a complete price list which includes the selling price, by brand, of each mixed drink dispensed through a metered dispensing system. The licensee or his agent shall not:

- (i) sell more than one mixed drink to a patron for a single price;
- (ii) establish a single price based on the required purchase of more than one mixed drink; or
- (iii) sell a mixed drink at a price that is reduced from the usual established price on the list the licensee has on file with the department.

This rule does not prohibit the sale of pitchers of mixed drinks as long as the pitcher contains one ounce of primary liquor per person to which the pitcher is served.

(i) Licensees shall display in a prominent place on the premises a list of the types and brand names of liquor being served through its dispensing system. This requirement may be satisfied either by printing the list on an alcoholic beverage menu or by wall posting

or both. No lists which are wall posted on the premises of a restaurant licensee may be larger than 8 1/2 by 11 inches.

A licensee or his employee shall not:

- (i) sell or serve any brand of liquor not identical to that ordered by the patron; or
- (ii) misrepresent the brand of any liquor contained in any drink sold or offered for sale.
- (j) All dispensing systems and devices must conform to federal, state, and local health and sanitation requirements. Where considered necessary, the department may:
 - (i) require the alteration or removal of any system,
 - (ii) require the licensee to clean, disinfect, or otherwise improve the sanitary conditions of any system.

R81-1-10. Wine Dispensing.

- (1) Each licensee shall keep daily records for each dispensing outlet as follows:
 - (a) brands and container sizes of each wine dispensed by the glass;
 - (b) number of five ounce portions dispensed of each wine by brand and sales price level; and
 - (c) number of five ounce portions sold by brand and sales price level.

These records must be made available for inspection and audit by the department or law enforcement.

- (2) The licensee or his agent shall not:
 - (a) sell more than one five ounce glass of wine to a patron for a single price;
 - (b) establish a single price based on the required purchase of more than one five ounce glass of wine; or
 - (c) sell a five ounce glass of wine at a price that is reduced from the usual established price.

R81-1-11. Multiple Licensed Facility Storage and Service.

(1) For the purposes of this rule:

(a) "premises" as defined in Section 32A-1-105(36) U.C.A., shall include the location of any licensed restaurant, club, or on-premise beer retailer facility or facilities operated or managed by the same person or entity that are located within the same building or complex. Such multiple licensed facilities shall be termed "qualified premises" as used in this rule.

(b) the terms "sell", "sale", "to sell" as defined in Section 32A-1-105(46) U.C.A., shall not apply to a cost allocation of alcoholic beverages as used in this rule.

(c) "cost allocation" means an apportionment of the as purchased cost of the alcoholic beverage product based on the amount dispensed in each outlet as reconciled by the record keeping requirements of this rule.

(d) "remote storage alcoholic beverage dispensing system" means a dispensing system where the alcoholic product is stored in a single centralized location, and may have separate dispensing heads at different locations, and is capable of accounting for the amount of alcoholic product dispensed to each location.

(2) Where qualified premises have consumption areas in reasonable proximity to each other, the dispensing of alcoholic beverages may be made from the alcoholic beverage inventory of an outlet in one licensed location to patrons in either consumption area of the qualified premises subject to the following requirements:

(a) for liquor and wine dispensing, daily dispensing records as required in R81-1-8(4)(g) and R81-1-9(1) must also show the amount of alcoholic beverage products dispensed to each licensed location;

(b) for beer dispensing, daily records must be kept in a form acceptable to the department that show the amount of beer dispensed to each outlet;

(c) point of sale control systems must be implemented that will record the amounts of each alcoholic beverage product sold in each location. Sales records and dispensing records must be balanced daily;

(d) cost allocation of the alcoholic beverage product cost must be made for each location on at least a monthly basis. Allocations must be able to be supported by the record keeping requirements of Section 32A-4-106(26)(27)(32), or 32A-5-107(11)(12)(15)(16)(17), or 32A-10-206(13) U.C.A.;

(e) dispensing of alcoholic beverages to a licensed location may

not be made on prohibited days or at prohibited hours pertinent to that license type;

(f) if separate inventories of liquor are maintained in one dispensing location, the storage area of each licensee's liquor must remain locked during the prohibited hours and days of sale for each license type;

(g) dispensing of alcoholic beverages to a licensed location may not be made in any manner prohibited by the statutory or regulatory operational restrictions of that license type;

(h) a licensee must obtain department approval before dispensing alcoholic beverages as described in this section. Applications for approval shall be in a form prescribed by the department and shall include a floor plan of all storage, dispensing, sales, service, and consumption areas involved.

(i) alcoholic beverages dispensed under this section may be delivered by servers from one outlet to the various approved consumption areas, or dispensed to each outlet through the use of a remote storage alcoholic beverage dispensing system.

(3) On qualified premises where each licensee maintains an inventory of alcoholic beverage products, the alcoholic beverages owned by each licensee may be stored in a common location in the building subject to the following guidelines:

(a) each licensee shall identify the common storage location when applying for or renewing their license, and shall receive department approval of the location;

(b) each licensee must be able to account for its ownership of the alcoholic beverages stored in the common storage location by keeping records, balanced monthly, of expenditures for alcoholic beverages supported by delivery tickets, invoices, receipted bills, canceled checks, petty cash vouchers, etc.; and

(c) the common storage area may be located on the premises of one of the licensed liquor establishments.

Sample form for Club/Restaurant
DAILY LIQUOR DISPENSING RECORD

Date _____

[illegible]

- (ii) alcoholic beverage license issued by the local authority.
- (4) Wine may be served in accordance with commission rule in containers not exceeding 750 ml.
- (5) (a) Liquor may not be stored or sold in any place other than as designated in the licensee's application, unless the licensee first applies for and receives approval from the department for a change of location within the restaurant.
- (b) A patron may only make alcoholic beverage purchases in the restaurant from a server designated and trained by the licensee.
- (c) Any alcoholic beverage may only be consumed at the patron's table.
- (d) Liquor may not be stored where it is visible to patrons of the restaurant.
- (6) (a) Alcoholic beverages may not be dispensed directly to a patron from the storage area.
- (b) Alcoholic beverages shall be delivered by a server to the patron.
- (7) The liquor storage area shall remain locked at all times other than those hours and days when liquor sales are authorized by law.
- (8) (a) Liquor may not be sold or offered for sale at a restaurant during the following days or hours:
 - (i) on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed;
 - (ii) on the day of any municipal, special district, or school election, but only:
 - (A) within the boundaries of the municipality, special district, or school district; and
 - (B) if closure is required by local ordinance; and
 - (iii) on any other day after 12 midnight and before 12 noon.
- (b) The hours of beer sales are those specified in Chapter 10, Beer Retailer Licenses, for on-premise beer licensees.
- (9) Alcoholic beverages may not be sold except in connection with an order for food prepared, sold, and served at the restaurant.
- (10) Alcoholic beverages may not be sold, delivered, or furnished to any:
 - (a) minor;
 - (b) person actually, apparently, or obviously drunk;
 - (c) known habitual drunkard; or
 - (d) known interdicted person.
- (11) (a) Liquor may not be sold except at prices fixed by the commission.
- (b) Mixed drinks and wine may not be sold at discount prices on any date or at any time.
- (12) Each restaurant patron may have only one alcoholic beverage at a time before the patron on the patron's table.
- (13) No more than one ounce of primary liquor may be served to a patron at a time, except:
 - (a) wine as provided in Subsection (2)(c); and
 - (b) heavy beer as provided in Subsection (2)(d).
- (14) Alcoholic beverages may not be purchased by the licensee, or any employee or agent of the licensee, for patrons of the restaurant.
- (15) Alcoholic beverages purchased in a restaurant may not be served or consumed at any location where they are stored or dispensed.
- (16) (a) A wine service may be performed and a service charge assessed by the restaurant as authorized by commission rule for wine purchased at the restaurant or carried in by a patron.
- (b) If wine is carried in by a patron, the patron shall deliver the wine to a server or other representative of the licensee upon entering the licensee premises.
- (17) (a) A person may not bring onto the premises of a restaurant liquor licensee any alcoholic beverage for on-premise consumption, except a person may bring, subject to the discretion of the licensee, cork-finished wine onto the premises of any restaurant liquor licensee and consume wine pursuant to Subsection (16).
- (b) A restaurant, whether licensed under this title or unlicensed, or its officers, managers, employees, or agents may not allow:
 - (i) a person to bring onto the restaurant premises any alcoholic beverage for on-premise consumption; or
 - (ii) consumption of any such alcoholic beverage on its premises, except cork-finished wine under Subsection (17)(a).

32A-4-106. Operational restrictions.

Each person granted a restaurant liquor license and the employees and management personnel of the restaurant shall comply with the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

(1) (a) Liquor may not be purchased by a restaurant liquor licensee except from state stores or package agencies.

(b) Liquor purchased may be transported by the licensee from the place of purchase to the licensed premises.

(c) Payment for liquor shall be made in accordance with rules established by the commission.

(2) A restaurant liquor licensee may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the department in accordance with commission rules adopted under this title, except that:

(a) liquor need not be dispensed through a calibrated metered dispensing system if used as a secondary flavoring ingredient in a beverage subject to the following restrictions:

(i) the secondary ingredient may be dispensed only in conjunction with the purchase of a primary liquor;

(ii) the secondary ingredient is not the only liquor in the beverage;

(iii) the licensee shall designate a location where flavorings are stored on the floor plan provided to the department; and

(iv) all flavoring containers shall be plainly and conspicuously labeled "flavorings";

(b) liquor need not be dispensed through a calibrated metered dispensing system if used as a flavoring on desserts and in the preparation of flaming food dishes, drinks, and desserts;

(c) wine may be served by the glass in quantities not exceeding five ounces per glass; and

(d) heavy beer may be served in original containers not exceeding one liter.

(3) (a) Restaurants licensed to sell liquor may sell beer in any size container not exceeding two liters, and on draft for on-premise consumption without obtaining a separate on-premise beer retailer license from the commission.

(b) Restaurants licensed under this chapter that sell beer pursuant to Subsection (3)(a) shall comply with all appropriate operational restrictions under Chapter 10, Beer Retailer Licenses, that apply to on-premise beer retailers except when those restrictions are inconsistent with or less restrictive than the operational restrictions under this chapter.

(c) Failure to comply with the operational restrictions under Chapter 10, Beer Retailer Licenses, required by Subsection (3)(b) may result in a suspension or revocation of the restaurant's:

(i) state liquor license; and

Department of Alcoholic Beverage Control Portion Chart		
Milliliter Bottle Size	Number of 1 ounce portions	Number of 5 ounce portions
50	1.7	
187	6.3	1.3
375	12.7	2.5
750	25.3	5.1
1000 (1 liter)	33.8	6.8
1500 (1 ½ liters)	50.8	10.2
1750 (1 ¾ liters)	59.2	11.8
2000 (2 liters)	67.7	13.5
3000 (3 liters)	101.5	20.3
4000 (4 liters)	135.3	27.1
5000 (5 liters)	169.2	33.8
6000 (6 liters)	203	40.6
9000 (9 liters)	304.5	60.9
18000 (18 liters)	609	121.8

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
LICENSEE APPLICATION FOR DISPENSING SYSTEM APPROVAL

Complete and submit this form prior to use of dispensing system.

LICENSEE NAME: _____ PHONE: _____

MAILING ADDRESS: _____
Street or PO Box City State Zip

DISPENSING SYSTEM (S): _____

MODEL NUMBER (S): _____

MANUFACTURER (S): _____

DATE IN USE: _____

[] CHECK BOX IF NO DISPENSING SYSTEM REQUIRED - BEER AND WINE SALES ONLY

THE UNDERSIGNED LICENSEE/APPLICANT VERIFIES THAT:

1. The device or system, when installed, will meet and perform to specifications provided by the manufacturer.
2. The system or device is calibrated to pour a one ounce quantity of liquor. The calibration may not be changed or adjusted to pour any alternate quantity of primary liquor.
3. The dispensing system and liquor bottles attached to the system must be locked or secured in such a place and manner as to preclude the dispensing of liquor at times when liquor sales are not authorized by law.
4. The undersigned acknowledges that he/she has read and understands rule R81-1-9 of the Department of Alcoholic Beverage Control and the statements made herein, and that execution is done voluntarily and by authorization of said licensee/applicant.

DATED: _____

Licensee/applicant

Authorized signature

Name/title

STATE OF UTAH
COUNTY OF _____

Subscribed & sworn to before me this _____ day of _____, 199_____.

Notary Public

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1625 South 900 West * PO Box 30408 * Salt Lake City, UT 84130-0408 * (801) 977-6800 * Fax (801) 977-6888

Certificate of Dispensing System Approval**PLEASE COMPLETE ITEMS 1 THROUGH 3 AND RETURN WITH APPLICATION**

1. Manufacturer name: _____
Address: _____
Street PO Box City State Zip
Telephone: _____
2. Distributor/supplier name: _____
Address: _____
Street PO Box City State Zip
Telephone: _____
3. Dispensing system name: _____
Model number: _____

FOR DEPARTMENT USE ONLY

☐ Electronic digital display (LED or LCD)

☐ Mechanical

☐ Electro-mechanical

8. Statement of accuracy: By signing below, applicant attests to the accuracy of the system in that the pour size will not vary more than _____ fluid ounces per pour. The margin of error of the system cannot exceed 1/16th of a ounce or 2 milliliters variation in pour size.
9. ATF Ruling 77-32: The undersigned verifies that bar dispensing equipment for use by retail liquor dealers conforms with ATF Ruling 77-32 which states in part that the equipment "(1) must avoid an in-series hookup which would permit the contents of liquor bottles to flow from bottle to bottle before reaching the dispensing spigot or nozzle, (2) must not dispense from or utilize containers other than original liquor bottles filled, stamped, and labeled in conformity with ATF regulations, (3) must prohibit the intermixing of different kinds of products or brands in the liquor bottles from which they are being dispensed....."
10. 27 CFR 6.43: The undersigned applicant verifies that it is not owned by a manufacturer or distiller of alcoholic beverages.

THE UNDERSIGNED ACKNOWLEDGES THAT HE/SHE HAS READ AND UNDERSTANDS THE STATEMENTS MADE HEREIN, AND THAT EXECUTION IS DONE VOLUNTARILY AND BY AUTHORIZATION OF SAID MANUFACTURER/SUPPLIER.

Dated this _____ day of _____, 19_____.

Applicant

Authorized signature

Name/Title

STATE OF UTAH _____

COUNTY OF _____

Subscribed and sworn to before me this _____ Day of _____, 19_____.

Notary Public

UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1625 South 900 West * PO Box 30408 * Salt Lake City, UT 84130-0408 * (801) 977-6800 * Fax (801) 977-6888

Supplier Application for Dispensing System Approval

1. Manufacturer name: _____

Address: _____
Street PO Box City State Zip

Telephone: _____

2. Distributor/supplier name: _____

Address: _____
Street PO Box City State Zip

Telephone: _____

3. Dispensing system name: _____

Model number: _____

4. Attach a sales and specification sheet for this model.

5. Method of dispensing: (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Gun | <input type="checkbox"/> Tower (stationary head) |
| <input type="checkbox"/> Insertable spout | <input type="checkbox"/> Ring Activator |
| <input type="checkbox"/> Optic device | <input type="checkbox"/> Electrical |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Remote Storage |
| <input type="checkbox"/> Other _____ | |

6. Calibration: Pour sizes set to one ounce:

- | | |
|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> At factory | <input type="checkbox"/> In field |
|-------------------------------------|-----------------------------------|

Short and long pour:

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> Disabled | <input type="checkbox"/> Set to one ounce |
|-----------------------------------|---|

7. Meters: _____ One per brand Number of brands: _____

_____ One per price level Number of price levels: _____

Numerical range of meter: _____ to _____

Type of meter: (Check all that apply)

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> Resettable | <input type="checkbox"/> Non-resettable |
|-------------------------------------|---|

Department of Alcoholic Beverage Control

ALCOHOLIC BEVERAGE CONTROL

DEPARTMENT OF

1625 SOUTH 900 WEST

P.O. BOX 3040

SALT LAKE CITY, UTAH 84130-0408

(801) 977-6800

FAX (801) 977-6888

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CALL, LEE B., WAREHOUSE SUPERVISOR 801-977-6800
SMITH, LARRY P., WAREHOUSE SUPERVISOR 801-977-6800
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SHORT, MARJEAN P., OFFICE TECHNICIAN 801-977-6800
GANN, ANTHONY L., WINE PURCHASING TECH 801-977-6800



State of Utah

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1625 South 900 West
PO Box 30408
Salt Lake City, Utah 84130-0408
(801) 977-6800 Telephone
(801) 977-6888 Fax

Michael O. Leavitt
Governor

FACSIMILE COVER SHEET

FAX TO: Pick Horstman DATE: 1-24-2000

REPRESENTING: _____ FROM: Al Potvien, Licensing & Compliance

FAX #: 608-838-0221 # PAGES INCLUDING COVER: _____

COMMENTS: I tried calling you back, but
no answer, got your messages, so here's
some info on 1oz dispensing - hope
this is what you needed.

NOTE: If any of these FAX copies are not legible, or you do not receive all of them, please contact us immediately. Telephone: (801) 977-6800 / FAX: (801) 977-6888.

Fr. 10/6

PI

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

d-note

ge n
ch

1 AN ACT ...; relating to: intoxicating^v liquor pouring devices and providing a
2 penalty.

Analysis by the Legislative Reference Bureau

Current law requires intoxicating liquor to be served from original containers of the manufacturer.

This bill requires the use of pouring devices when dispensing intoxicating liquor for sale. The bill defines "pouring device" as an accurate measuring device that, when properly used, dispenses only a specific fluid volume. The bill requires any person holding a "Class B" license (which authorizes the retail sale of intoxicating liquor for on-premises consumption) to do all of the following:

1. Ensure that pouring devices are used for all alcohol beverages served on the premises.
2. Ensure that all pouring devices on the premises are in good working order.
3. Display on the premises a menu of every intoxicating liquor included in each alcohol beverage served on the premises. The bill also prohibits any person from selling or serving an alcohol beverage that differs from the facts shown on the posted menu, unless that person informs the consumer of the type, volume, and ethyl alcohol concentration of the alcohol beverage.

The bill also does all of the following:

1. Prohibits any person from misusing a pouring device in a manner that prevents the pouring device from automatically terminating the dispensing.
2. Specifies that failure to comply with any requirements related to a pouring device or to a statement of the alcohol content of an alcohol beverage is not considered

causing consumption of alcohol by force or a representation that a beverage contains no alcohol, and ~~and~~ failure does not waive the "Class B" licensee's immunity from civil liability arising out of the act of selling, dispensing, or giving away alcohol beverages to another person.

3. Requires applicants for a "Class B" license to declare every volume of intoxicating liquor that could be dispensed on the premises using pouring devices.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.035 (3) of the statutes is amended to read:

125.035 (3) Subsection (2) does not apply if the person procuring, selling, dispensing, or giving away alcohol beverages causes their consumption by force or by representing that the beverages contain no alcohol. A violation of s. 125.68 (8m) is not considered causing consumption by force or a representation that a beverage contains no alcohol.

History: 1985 a. 47.

SECTION 2. 125.04 (3) 3m. of the statutes is created to read:

125.04 (3) 3m. A statement of every specific volume of intoxicating liquor, accurate to within 0.25 ~~one-quarter~~ fluid ounce, that could be dispensed on the premises using a pouring device, as defined in s. 125.68 (8m) (a).

SECTION 3. 125.68 (8m) of the statutes is created to read:

125.68 (8m) POURING DEVICES REQUIRED. (a) In this subsection, "pouring device" means a measuring device through which intoxicating liquor is dispensed for consumption, that when used according to its manufacturer's directions automatically dispenses only a specific volume of intoxicating liquor, and that is accurate to within 0.0625 ~~one-sixteenth~~ fluid ounce or 2 ~~one~~ milliliters.

(b) No person holding a "Class B" license may allow any person on the premises to sell, dispense, or give away any intoxicating liquor that ~~was~~ ^{is} not dispensed from

1 a pouring device. No person holding a "Class B" license may allow on the premises
2 any pouring device that is defective or altered in any manner that prevents the
3 pouring device from automatically terminating the dispensing. This paragraph does
4 not apply to the sale of wine or of unopened containers.

5 (c) A person holding a "Class B" license shall prominently display on the
6 premises a menu stating the type, volume, and ethyl alcohol concentration of any
7 alcohol contained within an alcohol beverage. [✓] No person may sell, dispense, [✓] or give [✓]
8 away any alcohol beverage that differs from the menu unless that person first
9 informs the person who intends to consume the alcohol beverage of the type, volume,
10 and ethyl alcohol concentration of any alcohol contained within the alcohol beverage.
11 This paragraph applies only to alcohol beverages that are blended on the premises.

12 (d) ^{AA} No person may dispense on "Class B" premises any intoxicating liquor using
13 a pouring device in a manner that prevents the pouring device from automatically
14 terminating the dispensing.

15 (e) ^{AA} This subsection does not apply to samples furnished under s. 125.65 (1) or
16 125.70. [✓]

17 (f) For purposes of this paragraph, all violations of this subsection committed
18 on the same day shall be counted as one violation. Upon convicting a person of ^{one}
19 violating this subsection, a court may ~~penalize~~ ^{do} the violator as follows: ^{of the}
20 1. ~~A court may~~ ^{penalize} Require a violator to forfeit \$1,000 or ~~may~~ ^{following} suspend for one day
21 any license issued to the violator, or both, if the person has not been convicted ^{of} for a
22 violation of this subsection committed within the previous 12 months.

23 2. ~~A court may~~ ² suspend for ~~two~~ ² days any license issued to the violator, if the
24 person has been convicted of violating this subsection one time within the previous
25 12 months.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-052777dn^{P1}

PEN.....
kmq

October 3, 2000

Mr. Rick Horstman *(a)*

Applicants for renewal of a liquor license may or may not be required to include a statement of the alcohol volumes under proposed s. 125.04 (3) 3m., stats. See s. 125.04 (3) (b), stats. Ok? *(a)* *ΔΔ*

Do you want to require the use of the information regarding alcohol volumes collected under proposed s. 125.04 (3) 3m? It is not clear to me why this information is wanted; doesn't the alcohol content menu under proposed s. 125.68 (8m) address the same issue (of providing the consumer with information concerning alcohol volume and concentration)?

The penalties in this draft are permissive; a court is not required to impose them as prescribed. Ok? Also, since licenses are valid for only one year, I made the one-year suspension for fourth offense a "revocation". Ok? *a*

Do you want this draft to apply to persons who sell liquor under a permit issued by the department of revenue (as distinct from licenses, which are issued by ~~the~~ local municipality)? See s. 125.51 (5), stats. This draft does not apply to permittees. *a*

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926
E-mail: paul.nilsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0527/P1dn
PEN:kmg:pg

October 5, 2000

Mr. Rick Horstman:

Applicants for renewal of a liquor license may or may not be required to include a statement of the alcohol volumes under proposed s. 125.04 (3) (a) 3m., stats. See s. 125.04 (3) (b), stats. OK?

Do you want to require the use of the information regarding alcohol volumes collected under proposed s. 125.04 (3) (a) 3m.? It is not clear to me why this information is wanted; doesn't the alcohol content menu under proposed s. 125.68 (8m) address the same issue (of providing the consumer with information concerning alcohol volume and concentration)?

The penalties in this draft are permissive; a court is not required to impose them as prescribed. OK? Also, since licenses are valid for only one year, I made the one-year suspension for a fourth offense a "revocation." OK?

Do you want this draft to apply to persons who sell liquor under a permit issued by the department of revenue (as distinct from licenses, which are issued by a local municipality)? See s. 125.51 (5), stats. This draft does not apply to permittees.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926
E-mail: paul.nilsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0527/P1dn

PEN:kmg:pg

October 5, 2000

11/8 call from Mr. Horstman

Mr. Rick Horstman:

✓ Applicants for renewal of a liquor license may or may not be required to include a statement of the alcohol volumes under proposed s. 125.04 (3) (a) 3m., stats. See s. 125.04 (3) (b), stats. OK? - *yes, Do not need to have it included*

✓ Do you want to require the use of the information regarding alcohol volumes collected under proposed s. 125.04 (3) (a) 3m.? It is not clear to me why this information is wanted; doesn't the alcohol content menu under proposed s. 125.68 (8m) address the same issue (of providing the consumer with information concerning alcohol volume and concentration)? *Not need with application*

The penalties in this draft are permissive; a court is not required to impose them as prescribed. OK? Also, since licenses are valid for only one year, I made the one-year suspension for a fourth offense a "revocation." OK? *see pp 3-4*

✓ Do you want this draft to apply to persons who sell liquor under a permit issued by the department of revenue (as distinct from licenses, which are issued by a local municipality)? See s. 125.51 (5), stats. This draft does not apply to permittees.
yes

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926
E-mail: paul.nilsen@legis.state.wi.us

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 125.035 (3); and *to create* 125.04 (3) (a) 3m. and 125.68 (8m)
2 of the statutes; **relating to:** intoxicating-liquor pouring devices and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

Current law requires intoxicating liquor to be served from original containers of the manufacturer.

This bill requires the use of pouring devices when dispensing intoxicating liquor for sale. The bill defines "pouring device" as an accurate measuring device that, when properly used, dispenses only a specific fluid volume. The bill requires any person holding a "Class B" license (which authorizes the retail sale of intoxicating liquor for on-premises consumption) to do all of the following:

1. Ensure that pouring devices are used for all alcohol beverages served on the premises.
2. Ensure that all pouring devices on the premises are in good working order.
3. Display on the premises a menu of every intoxicating liquor included in each alcohol beverage served on the premises. The bill also prohibits any person from selling or serving an alcohol beverage that differs from the facts shown on the posted menu, unless that person informs the consumer of the type, volume, and ethyl alcohol concentration of the alcohol beverage.

The bill also does all of the following:

1. Prohibits any person from misusing a pouring device in a manner that prevents the pouring device from automatically terminating the dispensing.
2. Specifies that failure to comply with any requirements related to a pouring device or to a statement of the alcohol content of an alcohol beverage is not considered

causing consumption of alcohol by force or a representation that a beverage contains no alcohol; and therefore that failure does not waive the “Class B” licensee’s immunity from civil liability arising out of the act of selling, dispensing, or giving away alcohol beverages to another person.

3. Requires applicants for a “Class B” license to declare every volume of intoxicating liquor that could be dispensed on the premises using pouring devices.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.035 (3) of the statutes is amended to read:

2 125.035 (3) Subsection (2) does not apply if the person procuring, selling,
3 dispensing, or giving away alcohol beverages causes their consumption by force or
4 by representing that the beverages contain no alcohol. A violation of s. 125.68 (8m)
5 is not considered causing consumption by force or a representation that a beverage
6 contains no alcohol.

7 **SECTION 2.** 125.04 (3) (a) 3m. of the statutes is created to read:

8 125.04 (3) (a) 3m. A statement of every specific volume of intoxicating liquor,
9 accurate to within 0.25 fluid ounce, that could be dispensed on the premises using
10 a pouring device, as defined in s. 125.68 (8m) (a).

11 **SECTION 3.** 125.68 (8m) of the statutes is created to read:

12 125.68 (8m) POURING DEVICES REQUIRED. (a) In this subsection, “pouring device”
13 means a measuring device through which intoxicating liquor is dispensed for
14 consumption, that when used according to its manufacturer’s directions
15 automatically dispenses only a specific volume of intoxicating liquor, and that is
16 accurate to within 0.0625 fluid ounce or 2 milliliters.

17 (b) No person holding a “Class B” license may allow any person on the premises
18 to sell, dispense, or give away any intoxicating liquor that is not dispensed from a

1 pouring device. No person holding a "Class B" license may allow on the premises any
2 pouring device that is defective or altered in any manner that prevents the pouring
3 device from automatically terminating the dispensing. This paragraph does not
4 apply to the sale of wine or of unopened containers.

5 (c) A person holding a "Class B" license shall prominently display on the
6 premises a menu stating the type, volume, and ethyl alcohol concentration of any
7 alcohol contained within an alcohol beverage. No person may sell, dispense, or give
8 away any alcohol beverage that differs from the menu unless that person first
9 informs the person who intends to consume the alcohol beverage of the type, volume,
10 and ethyl alcohol concentration of any alcohol contained within the alcohol beverage.
11 This paragraph applies only to alcohol beverages that are blended on the premises.

12 (d) No person may dispense on "Class B" premises any intoxicating liquor using
13 a pouring device in a manner that prevents the pouring device from automatically
14 terminating the dispensing.

15 (e) This subsection does not apply to samples furnished under s. 125.65 (1) or
16 125.70.

17 (f) For purposes of this paragraph, all violations of this subsection committed
18 on the same day shall be counted as one violation. Upon convicting a person of
19 violating this subsection, a court may do one of the following:

20 1. Require a violator to forfeit ^{\$500} \$1,000 or suspend for one day ^{minimum of one day} any license issued
21 to the violator, or both, if the person has not been convicted of a violation of this
22 subsection committed within the previous 12 months.

23 2. Suspend for 2 days ^{2 days} any license issued to the violator, if the person has been
24 convicted of violating this subsection one time within the previous 12 months.

1 3. Suspend for ^{16 to} 30 days any license issued to the violator, if the person has been
2 convicted of violating this subsection 2 times within the previous 12 months.

3 4. Revoke any ^{mandatory} license issued to the violator, if the person has been convicted
4 of violating this subsection 3 or more times within the previous 12 months.

5 **SECTION 4. Effective date.**

6 (1) This act takes effect on the first day of the 6th month beginning after
7 publication.

8 **(END)**



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0527/11

PEN:kmg:pg

SO ON (introduction 11/28)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

- 1 AN ACT *to amend* 125.035 (3); and *to create* 125.04 (3) (a) 3m. and 125.68 (8m)
2 of the statutes; **relating to:** intoxicating-liquor pouring devices and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

Current law requires intoxicating liquor to be served from original containers of the manufacturer.

or permit This bill requires the use of pouring devices when dispensing intoxicating liquor for sale. The bill defines "pouring device" as an accurate measuring device that, when properly used, dispenses only a specific fluid volume. The bill requires any person holding a "Class B" license (which authorizes the retail sale of intoxicating liquor for on-premises consumption) to do all of the following:

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2. Ensure that all pouring devices on the premises are in good working order.
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causing consumption of alcohol by force or a representation that a beverage contains no alcohol; and therefore that failure does not waive the "Class B" licensee's immunity from civil liability arising out of the act of selling, dispensing, or giving away alcohol beverages to another person. *tee's*

3. Requires applicants for a "Class B" license to declare every volume of intoxicating liquor that could be dispensed on the premises using pouring devices. *or permit*

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.035 (3) of the statutes is amended to read:

125.035 (3) Subsection (2) does not apply if the person procuring, selling, dispensing, or giving away alcohol beverages causes their consumption by force or by representing that the beverages contain no alcohol. A violation of s. 125.68 (8m) is not considered causing consumption by force or a representation that a beverage contains no alcohol.

SECTION 2. 125.04 (3) (a) 3m. of the statutes is created to read:

125.04 (3) (a) 3m. A statement of every specific volume of intoxicating liquor, accurate to within 0.25 fluid ounce, that could be dispensed on the premises using a pouring device, as defined in s. 125.68 (8m) (a).

SECTION 3. 125.68 (8m) of the statutes is created to read:

125.68 (8m) POURING DEVICES REQUIRED. (a) In this subsection, "pouring device" means a measuring device through which intoxicating liquor is dispensed for consumption, that when used according to its manufacturer's directions automatically dispenses only a specific volume of intoxicating liquor, and that is accurate to within 0.0625 fluid ounce or 2 milliliters.

(b) No person holding a "Class B" license *or permit* may allow any person on the premises to sell, dispense, or give away any intoxicating liquor that is not dispensed from a

1 pouring device. No person holding a "Class B" license^{or permit} may allow on the premises any
2 pouring device that is defective or altered in any manner that prevents the pouring
3 device from automatically terminating the dispensing. This paragraph does not
4 apply to the sale of wine or of unopened containers.

5 (c) A person holding a "Class B" license^{or permit} shall prominently display on the
6 premises a menu stating the type, volume, and ethyl alcohol concentration of any
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8 away any alcohol beverage that differs from the menu unless that person first
9 informs the person who intends to consume the alcohol beverage of the type, volume,
10 and ethyl alcohol concentration of any alcohol contained within the alcohol beverage.
11 This paragraph applies only to alcohol beverages that are blended on the premises.

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13 a pouring device in a manner that prevents the pouring device from automatically
14 terminating the dispensing.

15 (e) This subsection does not apply to samples furnished under s. 125.65 (1) or
16 125.70.

17 (f) For purposes of this paragraph, all violations of this subsection committed
18 on the same day shall be counted as one violation. Upon convicting a person of
19 violating this subsection, a court may^{require a violator to} do one of the following: ^{For} Forfeit ^{not less than \$500 nor} more than \$1,000 and ^{shall}

20 1. ~~Require a violator to forfeit \$1,000 or~~ suspend for one day any license issued
21 to the violator, ~~or both~~, if the person has not been convicted of a violation of this
22 subsection committed within the previous 12 months.

23 2. Suspend for 2^{to ?} days any license issued to the violator, if the person has been
24 convicted of violating this subsection one time within the previous 12 months.

1 3. Suspend for ^{15 to} 30 days any license issued to the violator, if the person has been
2 convicted of violating this subsection 2 times within the previous 12 months.

3 4. Revoke any license issued to the violator, if the person has been convicted
4 of violating this subsection 3 or more times within the previous 12 months.

5 **SECTION 4. Effective date.**

6 (1) This act takes effect on the first day of the 6th month beginning after
7 publication.

8 (END)